HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 27109 OF 2006

Between:

K. Krishnaiah, S/o K. Siddaiah.

…Petitioner

AND

Andhra Pradesh State Road Transport Corporation, represented by its Managing Director, Musheerabad, Hyderabad and three others.

….Respondents

HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 27109 OF 2006

ORAL ORDER:

The petitioner, who is working as a Superintendent in Andhra Pradesh State Road Transport Corporation, filed this Writ Petition questioning the orders dated 18.9.2006 as confirmed by the order dated 18.11.2006 by the second respondent, Executive Director.

2. Disciplinary proceedings were initiated by framing charges against the petitioner as per the provisions of Andhra Pradesh State Road Transport Corporation Employees (Conduct) Regulations, 1963, (for brevity 'the Regulations'). The charges framed against the petitioner read as follows:

> *" **Charge No.1**: For your failure to verify the TRR with reference to relevant vouchers as Supdt.(F), Kadapa depot, which is instrumental in non detection of mis-appropriation by Sri C.S. Reddy, E.400524, Conductor, which is nothing but gross negligence on your part while performing duty in terms of Reg.28 (ix-a) of APSRTC Employees (conduct) Regulations 1963".*
>
> ***Charge No.2**: For your failure to exercise efficient supervision over your subordinates which amounts to serious mis-conduct in terms of Reg. 28 (vii) of APSRTC Employees (Conduct) Regulations, 1963".*

3. In the disciplinary proceedings, the Divisional Manager,

Kadapa, has passed final orders on 18.9.2006 imposing punishment of recovery of Rs. 18,954/- on account of pecuniary loss alleged to have been caused to the Corporation apart from the punishment of deferment of annual increments for a period of two years. However, on an appeal filed by the petitioner, the said punishment is modified by the appellate authority, as under:

> "The punishment of deferment of increment for a period of two years having effect on his future increments imposed by the disciplinary authority in this instant case is modified to that of deferment of increment for a period of one year which shall have the effect on his future increments and the recovery of Rs. 18,954/- in his salary in 20 monthly installments already imposed shall stands good."

4. It is submitted that the petitioner has preferred further review before the first respondent, as contemplated under the above-referred regulations, on 4.12.2006 and the same is pending consideration. Though the allegation of misappropriation is alleged, but so far as the petitioner is concerned, precisely the allegation is negligence on his part, which resulted in misappropriation by conducter. Further, as much as the review as provided under the above referred Regulations is pending consideration before the first respondent, I deem it appropriate to dispose of the Writ Petition with a direction to the first respondent-authority to dispose of the review petition as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. Further, I direct that the order dated 18.9.2006 passed by the primary authority, as modified by the appellate authority by an order dated 18.11.2006, shall not be given effect to till the appropriate orders are passed in the review petition

filed by the petitioner. There shall be no order as to costs.

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R. SUBHASH REDDY, J

Date: 29.12.2006
KA/Msnr.